

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

**VOLKSWAGEN GROUP OF
AMERICA, INC., a New Jersey
corporation,**

Plaintiff,

v.

**VDUBS ONLY, INC., a Texas
corporation, and PEYMAN ZAMANI,
an individual and principal of VDubs
Only, Inc.,**

Defendants.

Gregory D. Phillips (P80801)
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Civ. No. 24-11117-MAG

Honorable: Mark A. Goldsmith

**MOTION FOR ENTRY OF DEFAULT CERTIFICATE
BY THE COURT CLERK**

Plaintiff Volkswagen Group of America, Inc. (“VW”), by and through its counsel of record, and pursuant to Rule 55 of the Fed. R. Civ. P., hereby requests an entry of a Default Certificate by the Clerk of the Court against defendants VDubs Only, Inc. (“VDubs Only”) and Peyman Zamani (“Zamani”) (collectively

“Defendants”).

Statement of Relief Sought

VW requests that the Court Clerk enter a Default Certificate against Defendants pursuant to its authority arising from Rule 55 of the Federal Rules of Civil Procedure.

Statement of Facts

1. Defendants were served on May 8, 2024 with the Summons and Complaint. ECF 6 and 7; *see* Declaration of Gregory D. Phillips at ¶ 3 and 4.
2. Thereafter, Defendants did not file an answer or any responsive pleading, and the time to do so has passed. Phillips Declaration at ¶ 5.
3. Defendants have not asked for, and Plaintiff has not granted, any agreement or stipulation for an extension of time to file an Answer or responsive pleading to the *Complaint*. Phillips Declaration at ¶ 6.

Argument

Pursuant to Federal Rules of Procedure 12(a)(1)(A), a "Defendant must serve an answer: (i) within 21 days after being served with the summons and complaint . . ." Moreover, where a party fails to respond to a complaint, "and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a).

Based on the failure of Defendants to file an Answer to date, the clerk must

enter default against Defendant.

Conclusion

Based on the foregoing, the Court Clerk should enter a Default Certificate against defendants Eric's European Motorwerks, LLC and Eric Hallas forthwith.

DATED: May 31, 2024

PCFB LAW

By /S/ GREGORY D. PHILLIPS
Gregory D. Phillips
Attorneys for Plaintiff
VOLKSWAGEN GROUP OF
AMERICA, INC.